

# United States District Court District of Massachusetts

UNITED STATES OF AMERICA,

v.

CRIMINAL NO. 2004-10111-MEL-03

COREY SMITH.

## ***ORDER OF REVOCATION AND DETENTION PURSUANT TO TITLE 18, U.S.C. § 3148(b)***

COLLINGS, U.S.M.J.

After hearing, I find that I find that there is probable cause to believe that the defendant committed a crime while on release. 18 U.S.C. § 3148(b)(1)(A). The crime is driving without a license.

I further find, by clear and convincing evidence, that the defendant has violated the Conditions of Release previously set. 18 U.S.C. § 3148(b)(1)(B).

I further find that, based on the record before me, there are no conditions or combination of conditions of release which will reasonably assure the defendant's appearance and the safety of other persons and the community. 18 U.S.C. § 3148(b)(2)(A).

I further find that, based on the record before me, the defendant is

unlikely to abide by any conditions of release I might set. 18 U.S.C. § 3148(b)(2)(B).

Accordingly, pursuant to Title 18, U.S.C. § 3148(b), it is ORDERED that the conditions of release previously set be, and the same hereby are, REVOKED.

It is FURTHER ORDERED that the defendant be, and he hereby is, DETAINED and that:

- (1) The defendant be, and he hereby is, committed to the custody of the Attorney General for confinement in a corrections facility;
- (2) The defendant be afforded reasonable opportunity for private consultation with his counsel; and
- (3) On Order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to an authorized Deputy U. S. Marshal for the purpose of any appearance in connection with a court proceeding.

Review of the within Detention Order may be had by the defendant filing a motion for revocation or amendment of the within Order pursuant to 18 U.S.C. Sec. 3145(b).

*/s/ Robert B. Collings*

ROBERT B. COLLINGS

February 8, 2005

United States Magistrate Judge